

LEGAL & DEMOCRATIC SERVICES  
Brighton & Hove City Council  
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Date: 13 November 2014  
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Dear Councillor

**CHILDREN & YOUNG PEOPLE COMMITTEE - MONDAY, 17TH NOVEMBER, 2014**

Please find enclosed Monday, 17th November, 2014 meeting of the Children & Young People Committee, the following reports that were unavailable when the agenda was printed.

**Agenda No Item**

- 54 **PROPOSED EXPANSION OF ST ANDREW'S CHURCH OF ENGLAND  
PRIMARY SCHOOL TO THREE FORMS OF ENTRY FROM SEPTEMBER  
2015 - RESPONSES TO STATUTORY NOTICE (Pages 1 - 14)**

Report of the Executive Director of Children's Services (copy to follow)

*Contact Officer: Michael Nix Tel: 01273 290732*  
*Ward Affected: All Wards*

Yours sincerely

Penny Jennings  
Democratic Services Officer

Encs

Please ask for:



<b>Subject:</b>	<b>Proposed Expansion of St Andrew's CE Primary to Three Forms of Entry from September 2015: Responses to Statutory Notice</b>		
<b>Date of Meeting:</b>	<b>17 November 2014</b>		
<b>Report of:</b>	<b>Executive Director of Children's Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Michael Nix</b>	<b>Tel: 29-0732</b>
	<b>Email:</b>	<b>michael.nix@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Central Hove, Goldsmid, Brunswick and Adelaide, Westbourne</b>		

**FOR GENERAL RELEASE**

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the Statutory Notice period ended on 29 October 2014 and the final report could not be issued until the view of St Andrew's CE Primary School's Governing Body was received following its meeting on 11 November 2014.

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Pupil number forecasts for the city show there is a current need for additional primary school places in South Central Hove in order that more children are able to attend a good or outstanding local school near where they live.
- 1.2 The purpose of this report is to report the representations and objections received during the statutory notice period for the proposed expansion of St Andrew's CE Primary School to three forms of entry from September 2015, and to seek a final decision from the Committee on this matter.

**2. RECOMMENDATIONS:**

- 2.1 That the Children and Young People Committee confirm the proposal contained in the statutory notice and agree the expansion of St Andrew's CE Primary School to three forms of entry from September 2015, subject to both planning consent and the Secretary of State's consent for change of use being obtained by 31 March 2015.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The purpose of this report is to inform the Committee of the outcomes of the Statutory Notice process in respect of the proposed expansion of St Andrew's CE Primary School to three forms of entry from September 2015 and to recommend that the Committee now approve this proposal, subject to planning consent and approval of the Secretary of State for change of use being obtained. The reasons for the proposal and the outcomes of informal consultation and further

work during the period May to September 2014 were described in reports to the Committee's meetings on 21 July 2014 and 22 September 2014.

- 3.2 At the meeting on 22 September 2014, the Committee was informed of the Governing Body's support for the progression of the process to formal statutory consultation, subject to conditions. It was also informed of further work which had been undertaken since the July meeting in response to concerns raised by the Governing Body and during the informal consultation period. The Committee resolved in light of this further information to proceed to the Statutory Notice stage.
- 3.3 The Statutory Notice (Appendix 1) was published on 1 October 2014 and the closing date for receipt of any representations was 29 October 2014. The full proposal information was available on the Council's web site and in hard copy by request.
- 3.4 There have been 24 objections received to the Statutory Notice. One of these objections included a petition with 39 signatures objecting to the proposed changes to Haddington Street car park. Copies of all the objections can be read in the Members' Room.
- 3.5 The main themes of the objections are:
- The consultation process, which is described as being insufficient and rushed
  - Concerns about traffic and safety in neighbouring streets
  - The need for new places and whether this is better met by a new school
  - The building design proposals
  - The provision of outside space for the increased number of pupils
  - The loss of car parking spaces and the impact on local residents and businesses

Other school related issues, such as school size and provision for special educational needs and disabilities and other planning related issues, such as light and noise, were also raised in the objections.

- 3.6 The Council has worked with the school in seeking to keep parents and others informed of the developing plans for the expansion and to involve them in the development process. By agreement with the school two small parent groups have been formed to support this process. One of the groups visited Aldrington CE Primary School to see the recently completed extension which has also been provided for a one form entry expansion. Plans have been displayed in the school and on the noticeboard outside the school. The Head of Capital Strategy and Development Planning and the project architect attended a parents' evening on 30 October, to which local residents were invited. They also arranged a separate meeting for local residents on 4 November.
- 3.7 The period for consultation on this proposal has already been extended in order to provide time for further work over the summer. Every proposal is different and will give rise to different concerns. It is important to recognise that it is not unusual for consultation on school expansion proposals to be run in parallel with the development of building design, planning application and traffic safety

proposals and that with tight deadlines to make essential new provision for growing communities it is not feasible to run these elements sequentially.

- 3.8 The Statutory Notice stage is intended to focus on the principle of expansion and whether this is supported. Issues of building design, traffic, parking and impact on local amenity are properly to be considered at the planning application stage. However it is fully understood that all associated with the school will wish to be satisfied as far as possible that an approved expansion can be implemented safely and with high quality buildings. The Committee will equally wish to be satisfied that this can be achieved. If the Committee approves the proposed expansion, this will still be subject to planning consent being secured, including any conditions relating to traffic safety, and if the planning application is not approved the decision to expand will fall.
- 3.9 A key aspect of the planning application will be to show that safe arrangements can be made in the area around the school at the beginning and end of the school day with the increased number of children. This was the aspect that was commented on by the greatest number of respondents to the Statutory Notice (13). It is recognised that the area around the school has narrow residential streets with on street parking and that these streets are used by delivery vehicles for local businesses. Independent consultants have been engaged to advise on any additional safety arrangements that need to be made and the design team is working closely with the council's own transport officers. The proposed arrangements will be tested through the planning process and it will be for the Planning Committee to decide what conditions if any should be placed on the scheme to ensure that children, parents and others are safe around the school.
- 3.10 In addition, a revised School Travel Plan is normally a condition of planning consent for school expansion proposals and the council's School Travel Plan officers will support the school with this. There will be opportunities to revise and develop the plan as the school gradually increases in size by 30 pupils per year over seven years.
- 3.11 Three respondents questioned the need for the expansion and four suggested that the council should be providing a new school rather than expand St Andrew's. One respondent who questioned the need for places cited the position of the schools in South Portslade which had been expanded but which were not full. Others suggested that insufficient account had been taken of the potential impact of the relocation of the Bilingual Primary School to its permanent site in Hove Park and that a decision on the expansion of St Andrew's should be deferred until 2015 (for implementation in 2016 if approved) while the effect of the Bilingual School in its new location could be assessed.
- 3.12 Previous reports to the Committee have set out the reasons why additional places are needed in this part of the city and why it is not feasible (primarily because of lack of suitable sites) to develop a new school. Revised forecasts using October 2014 GP registers data show that the numbers in this area will continue to rise until 2017 and that while the actual numbers of children living in the area appear to be slightly fewer than shown in previous GP registers data, without the expansion of St Andrew's the number of children in the area can still be expected to exceed the number of places in local schools by between 130 and 150 for the period to 2018, which is as far ahead as forecasts are available.

- 3.13 The Published Admission Number (PAN) for the Bilingual Primary School will remain at 60 for 2015 but it is expected that it will increase to 90 for 2016. The school's aim is to draw children from across the city whose family wish them to benefit from the school's bilingual specialism and it can be expected that this will continue, although it is quite possible that it will draw more children from Hove in its new location. However, taking into account the figures described in 3.12 above this change falls well short of being sufficient to address the need for new places in the area on its own.
- 3.14 Four respondents objected to aspects of the design of the new school and four other respondents who are local residents objected on the grounds of impact on their property. These are properly matters for the planning application stage, but it should be noted that the design, including the proposal for a flat roof, arises from the usual discussion with planning officers about what might be considered acceptable in planning terms in this location.
- 3.15 Nine respondents objected that there would be insufficient outside play space for the increased number of children, in particular when the playing field was wet and not available. It was commented that the space available will fall well short of recommended areas in Department for Education (DfE) guidance. It was suggested that more should be done to improve the space that is available either through better drainage or by providing an all weather surface. We are continuing to discuss this aspect with the school as part of the design process and will be required to demonstrate to the Secretary of State that sufficient space is available to meet the needs of the curriculum as part of the application for change of use consent under Section 77 of the School Standards and Framework Act 1998 which has already been commenced.
- 3.16 Eight respondents objected to the loss of car parking spaces and the impact this could have on local residents and businesses. Three of these respondents commented that the expansion should be on the school's own land rather than on the car park and others referred to safety issues, in particular relating to the proposed new entrances to the school in Haddington Street and the presence of delivery vehicles at local shops and businesses. A petition with 39 signatures also objected to the loss of car parking spaces.
- 3.17 Although the previous report suggested that a Traffic Regulation Order would be required for changes to the car park, more recent advice is that this is not required and that these changes are properly considered and decided through the planning application process. The Planning Committee will need to be satisfied that the proposed car parking arrangements are appropriate and can be implemented safely. The new car park layout with fewer spaces than currently available has been designed in consultation with Transport officers and conforms to relevant guidance.
- 3.18 The reduced number of car park spaces will result in a loss of income to the council estimated to be £14,000 in a full year. This will be greater in 2015/16 – approximately £30,000 – because of the need to close the car park entirely for six months during the initial construction period. This has been identified as a pressure on the Environment Development and Housing budget.

- 3.19 The Governing Body met on 11 November and resolved to support the proposal subject to conditions that had previously been noted. These are being addressed through the further work on the project. A copy of the governing body's statement received on 12 November is at Appendix 2. The proposal is also supported by the Diocese of Chichester.
- 3.20 As mentioned in paragraph 3.15, as the proposed building encroaches on some of the school's existing outdoor space – but not playing field space – consent must be secured from the Secretary of State under Section 77 of the School Standards and Framework Act 1998 for change of use. An application has been submitted to the Department for Education.
- 3.21 Capital funding of £2.5million for the extension resulting from this proposal was agreed at the meeting of the Children and Young People Committee on 10 March 2014 and Policy and Resources Committee on 20 March 2014. At that time the project was referred to as 'An additional primary form of entry for Hove from September 2015' since the proposal was at a very early stage in its development.
- 3.22 To meet the timetable for providing these places by September 2015 work needs to progress as soon as possible after completion of the statutory processes. It is intended that the work for this project will be undertaken using the Council's Strategic Partnership Contract. This contract has been used very successfully over the last 5 years to deliver education projects on time and on budget even when the timescales available are very tight. The work required to ensure sufficient new accommodation for the increased number of children in September 2015, if approved, has been part of the development discussions with the school.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Alternative options to providing additional places at St Andrew's were described in the report to the Committee's 21 July meeting and considered further in the report to the 22 September meeting. They include providing a new school, expansion of a different school, further bulge classes or allocating places to a much greater number of children at more distant schools. The reasons why these options were not preferred were set out in Section 4 of these two reports.
- 4.2 The reasons against pursuing a new school option are principally the lack of available sites, the additional cost, especially if a site had to be purchased, and the additional time required to secure an academy or free school sponsor and construct a new school. These reasons were tested further in the work done through an independent site search commissioned from a private firm in June 2014. The report from this search did not identify any sites suitable for a new primary school in South Hove.
- 4.3 The report to the 22 September meeting in paragraph 4.3 referred to an application to the DfE from a potential primary free school sponsor being considered in 'Wave 7' for free school applications, for which announcements were to be made in the autumn term 2014. Decisions on Wave 7 have recently been announced and this application was unsuccessful.

- 4.4 The previous reports set out reasons why relying on bulge classes or allocating places to a greater number of children at more distant schools should not be preferred to expansion of St Andrew's. The Committee will be aware from these reports of the particular concerns these alternative options present for parents.
- 4.5 Pupil number forecasts are currently being revised in light of the most recent GP registers data and they indicate slightly fewer children living in the South Hove area than was indicated by previous data in October 2013. However they show that numbers of children aged 4+ in this area will continue to rise until 2017 and that without the expansion of St Andrew's the number of children in the area can still be expected to exceed the number of places in local schools by between 130 and 150 for the period to 2018.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The previous reports set out the consultation process that had been undertaken on this proposal and the way in which the school and parents were being involved in the development process.
- 5.2 Since the previous meeting officers have worked with the school and two small groups of parents on the further development of the proposal and their comments have been taken into account in revisions to the design. Plans have been displayed in the school and on the glazed notice board outside the school. Officers attended a parents' meeting on 30 October at the school and were able to share the current design and answer questions.
- 5.3 Residents in the streets immediately adjacent to the school were invited individually to attend the parents' meeting or a separate meeting on 4 November so that they could view and comment upon the proposals. Two people attended this meeting and their comments were similar to those made by those residents who objected to the proposals.
- 5.4 Officers have continued to work closely with the school's senior leadership team and the governing body.
- 5.5 The planning application process, including traffic safety and parking proposals, provides a further opportunity for those associated with the school and the local community to comment on or object to the development of St Andrew's.

## **6. CONCLUSION**

- 6.1 There is a compelling case for additional primary school places in the part of the city where St Andrew's is located which appears now with very few exceptions to be accepted. Revised forecasts continue to support this case.
- 6.2 The concerns around the proposal to provide additional places through the expansion of St Andrew's CE Primary School focus therefore on whether this is the right way to provide additional places, whether there are other viable alternatives and whether there is an acceptable and safe design solution for an expansion of this school.



- 6.3 For the reasons set out in this and previous reports, the alternative options to expanding St Andrew's cannot be considered preferable. In particular, there is currently no feasible opportunity to develop a new school in this part of the city. St Andrew's is an outstanding and extremely popular school which is very well placed to manage the issues of expansion and maintain the excellent quality of education it provides.
- 6.4 The council has taken significant steps to address concerns about the impact of the building required for expansion on the school, in particular through making additional land available from the Haddington Street car park. It is recognised that the loss of parking spaces has implications for the local community but these need to be balanced against the duty to secure sufficient school places.
- 6.5 It is therefore recommended that the proposal be approved, subject to the necessary consents being obtained as set out in this report.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The expansion of the building at a cost of £2.5m has been identified in the Children's Services Capital budget in 2014/15 & 2015/16.
- 7.2 The school is funded through the Dedicated Schools Grant (DSG) and is mainly funded on pupil numbers; the school will receive funding to support the growth in pupil numbers in the school until it is established as a three form entry school in 2021.
- 7.3 There will be a reduction in the car parking income for the Haddington Street car park of approximately £25,000 for a closure of 6 months to allow for the car park to be used as the construction site compound, and £14,000 per annum for the reduction in places from 32 to 18 once completed.

*Finance Officer Consulted: Andy Moore*

*Date: 10/11/2014*

### Legal Implications:

- 7.4 The Education and Inspections Act 2006, as amended, provides that the Local Authority is the decision maker on any proposals of that Authority to expand a voluntary aided school. The Children and Young People Committee will act as decision maker for the Local Authority on these proposals. The decision must be made within a period of two months of the end of the representation period.

The exact process by which a decision maker carries out its decision making process is not prescribed however it must have regard to the statutory 'Decision-makers Guidance' published by the DfE in January 2014. A full copy of this Guidance is available in the Members Room.

The Guidance provides that the decision-maker will need to be satisfied that the appropriate representation period has been carried out and that the proposer has had regard to the responses received. The decision maker must consider all the

views submitted, including support for, objections to, and comments on the proposal.

In assessing the demand for school places the decision maker should consider:

- (i) the evidence presented for any projected increase in the school population,
- (ii) any new provision opened in the area
- (iii) the quality and popularity of schools in which spare capacity exists
- (iv) any evidence of parents' aspirations for places in the school proposed for expansion

The Guidance states that the existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

In issuing a decision, the decision maker can;

- reject the proposal
- approve the proposal without modification
- approve the proposal with modifications, having consulted the governing body
- approve the proposal- with or without modification- subject to certain prescribed conditions (such as the granting of planning permission) being met

The prescribed conditions are listed in paragraph 8 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013. Paragraphs 3.8-3.9, 3.15 and 3.20 of the main report refer to two conditions which must be met in order for the proposal to be implemented, namely the need for planning permission and the need to obtain the consent of the Secretary of State to the change of use of some of the outdoor space under section 77 of the School Standards and Framework Act 1998. Both of these conditions would be regarded as prescribed conditions under the 2013 Regulations.

Paragraph 8(1)(a) of Schedule 3 to the Regulations provides that the grant of planning permission under the Town and Country Planning Act 1990 is deemed to be a prescribed event, and paragraph 8(1)(e) of the same Schedule provides that the entering into an agreement with the Secretary of State for any necessary building project would similarly be a prescribed event.

If conditional approval is given then the decision maker must set a date by which the condition must be met but can modify the date if the proposer confirms before the date expires, that the date will be met later than originally thought.

*Lawyer Consulted: Serena Kynaston*

*Date: 07/11/2014*

#### Equalities Implications:

- 7.5 The aim of this proposal is to ensure as far as possible that children have the opportunity to attend a local school. The governing body of St Andrew's CE Primary School as admissions authority must treat all applications openly and fairly in accordance with the statutory School Admissions Code.

### Sustainability Implications:

- 7.6 In broad terms, the sustainability implications arising from this proposal are that more children will be able to attend a local school, rather than travel longer distances to other schools and that the building extension will be completed to high sustainability standards and will not impact on the school playing field.

### Any Other Significant Implications:

- 7.7 The implications of not providing additional capacity close to where children live have been set out extensively in this and previous reports on this proposal. These implications apply most particularly to the local families and children who may otherwise have to travel longer distances to alternative schools where there are spare places.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Statutory Notice published 1 October 2014
2. Statement from the Governing Body of St Andrew's CE Primary School, 12 November 2014

### **Documents in Members' Rooms**

1. Copies of 24 responses to the statutory notice received by email or by post
2. Copy of a petition with 39 signatures in response to the statutory notice
3. School Organisation: guidance for proposers and decision makers, Department for Education, January 2014

### **Background Documents**

1. None



## **Proposed Enlargement of Premises of St Andrew's Church of England Voluntary Aided Primary School**

Notice is given in accordance with the Education and Inspections Act 2006, as amended, (the Act) that Brighton and Hove City Council, King's House, Grand Avenue, Hove, BN3 2LS intends to make prescribed alterations to St Andrew's Church of England Voluntary Aided Primary School, Belfast Street, Hove, BN3 3YT;

### **Enlargement of Premises**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Brighton & Hove City Council intends to make a prescribed alteration to St Andrew's Church of England Voluntary Aided Primary School, Belfast Street, Hove, BN3 3YT, from 1<sup>st</sup> September 2015 by enlarging the premises of the school.

It is proposed that St Andrew's Church of England Voluntary Aided Primary School is made into a three form entry all through primary school from September 2015. It is proposed to permanently increase the Published Admission Number (PAN) to 90 from September 2015. The school will admit 90 pupils into Year R in September 2015 and each subsequent academic year. The school will thereafter grow incrementally for seven years until there are three forms of entry in each year group at the school. Flexibility would remain for Key Stage 2 to take additional children to a maximum of 32 children per class.

The current capacity of the school is 450 (including capacity for a bulge class) and the proposed capacity will be 654. The current admission number for the school is 60 and the proposed admission number will be 90.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Michael Nix, Head of Education Planning and Contracts, Brighton & Hove City Council, King's House, Grand Avenue, Hove, BN3 2SR or by contacting Gillian Churchill on 01273 293515 or via email at [gillian.churchill@brighton-hove.gov.uk](mailto:gillian.churchill@brighton-hove.gov.uk). The full proposal is also on the council's website and can be found at [www.brighton-hove.gov.uk/school-statutory-notice](http://www.brighton-hove.gov.uk/school-statutory-notice)

Within four weeks from the date of publication of this proposal (i.e. by 29<sup>th</sup> October 2014), any person may object to or make comments on the proposal by sending them to Michael Nix, Head of Education Planning and Contracts, Children's Services, Education and Inclusion, Brighton & Hove City Council, King's House, Grand Avenue, Hove, BN3 2SR.

Signed: Pinaki Ghoshal

Publication Date: 1<sup>st</sup> October 2014





## **Children & Young People Committee, 17 November 2014**

### **Proposed expansion of St Andrew's CE Primary School to three forms of entry from September 2015: responses to statutory notice**

#### **Appendix 2: Governing Body Statement, 12 November 2014**

The St Andrew's governing body has considered the objections received by the LA during the statutory notice period for the proposed expansion of the school, as well as the outcome of the ongoing consultation between the LA, school and interested parties to progress the proposed extension plans.

The planning workshops, which were facilitated by the LA and included parent representatives, enabled a productive discussion of the key issues to be addressed in the ongoing development of the plans. The revised plans were presented at the parent/teacher evenings at school and generated a positive level of interest from parents and constructive feedback/comments. The governing body acknowledges that there are still outstanding issues to be addressed, however we are satisfied that the LA is working closely with the school to address those issues and to ensure that our original conditions are being met.

The governing body's position at the end of the statutory notice period is to support the proposed expansion of the school, subject to the conditions previously noted. In particular we wish to highlight that our support is conditional upon:

- Planning approval for the current plans only, as agreed between the LA and the Governing Body. These must include the Haddington Street car park for the extension and provide an additional permanent school entrance on Haddington Street (as previously used by the school for temporary building projects).
- Planning approval must be received prior to reception allocations to enable well-planned accommodation to be provided for an additional reception class in September 2015.
- Agreed priority for funding to be made available from the expansion budget to improve the usability of the outdoor space. This is necessary to compensate for the loss of outdoor space per pupil as a result of the expansion and ensure we can meet the curriculum requirements for sport/PE. We have agreed immediate solutions to extend and enhance the hard play area. However we also need agreement for a medium term solution to improve the all year access to the field. We are proposing to seek expert advice as well as input from the school community, however one option is an artificial surface for a significant area (e.g. half) of the field. We therefore require agreement in principle for funding to be available for this or a similar solution.
- Further discussion with the LA regarding the cost of additional management resources required to ensure the continued high standard of education for all pupils, and how this will be funded.

